

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.: 1:21-cr-0597 JB

SEVERANO CEBALLOS MARTINEZ,

Defendant.

**UNOPPOSED MOTION TO CONTINUE TRIAL AND
EXTEND THE PLEA DEADLINE**

COMES NOW Defendant Severano Ceballos Martinez, by and through his counsel TMP Legal, LLC., (Timothy M. Padilla) and hereby moves the Court to continue the October 4, 2021 Trial and extend the deadline to for plea agreements in the above captioned court matter, for ninety (90) days. As grounds Defendant states the following:

1. The Indictment (Doc. 15) was filed in this matter on April 23, 2021.
2. The arraignment was held on May 6, 2021.
3. The Trial is scheduled to commence on October 4, 2021, pursuant to the Order Granting Unopposed Motion to Extend the Deadline for Trial and Filing Motions (Doc. 23).
4. Defense counsel and the Assistant US Attorney, Samuel Hurtado are working on a resolution in this matter.
5. Pursuant to 18 U.S.C. § 3161(h)(1)(G) the ends of justice will be served by granting this extension of the deadline to enter into a plea agreement. The necessity to allow time for a resolution of this case outweighs the interest of the public and the Defendant in a speedy trial. Defendant agrees to this request and waives his speedy trial rights to the extent such waiver is necessary to grant the extension of time requested herein.

7. In *United States v. Toombs*, 574 F.3d 1262 (2009), the Court stated that a defendant by motion, must create a sufficient record to justify granting the motion to continue (requiring that the record on a motion to continue “contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time”). Counsel for the Defendant has reviewed the holding in *Toombs*, and confirms that an extension is necessary.

8. Assistant United States Attorney, Samuel Hurtado has been contacted and does not oppose the relief requested herein.

WHEREFORE Defendant respectfully requests this Court to continue the Trial and the deadline for plea agreements for a period of ninety (90) days to, and including January 2, 2022 as well as any related deadlines for responses and replies and for any such further relief this Court deems just and proper.

Respectfully submitted:

/s/ Timothy M. Padilla
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I HEREBY CERTIFY that a true and correct copy of the foregoing pleading was filed and delivered electronically through the CM/ECF system to all parties entitled to notice, this 29th day of September, 2021.

/s/ Timothy M. Padilla